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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,138	03/12/2004	Joel A. Barker	B377-030-PAT	6800

7590 03/18/2010  
Angenehm Law Firm, Ltd.  
P.O. Box 48755  
Coon Rapids, MN 55448-0755

EXAMINER
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STARKS, WILBERT L

ART UNIT	PAPER NUMBER
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2129

MAIL DATE	DELIVERY MODE
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03/18/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/800,138	<b>Applicant(s)</b> BARKER, JOEL A.	
	<b>Examiner</b> Wilbert L. Starks, Jr.	<b>Art Unit</b> 2129	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-18 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 1-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Claims 1-18 have been examined.

The claims are deemed statutory because they are impractical to perform without a computer.

### ***Compact Prosecution Statement***

In the event that the Applicant wishes to amend, the Examiner suggests the Applicant consider using language from one of the allowed dependent claims.

### ***Claim Objections***

Claim 1 is objected to because the claims do not start on a separate page, so Claim 1 appears truncated. Appropriate correction is required.

Claims 1-18 are objected to because the claim numbers are delimited by a right parentheses rather than a period. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wooff, et al, The Bayes Linear Programming Language, Journal of Statistical Software, Vol. 5, Issue 2, Apr 2000, pp. 1-20. Specifically:

**Claim 1**

Claim 1's "selecting an option of complete third order nodes of an arc having a center describing at least one member selected from the group consisting of:" is anticipated by Wooff, et al, page 13, first full paragraph, where it discusses the fact that batch1 explains 50% of the variance at node C.

Claim 1's "an innovation, an emerging trend, a new policy and a new product;" is anticipated by Wooff, et al, page 14, section 3, where it discusses "Exploring sensitivity for exchangeable regressions." That is, it is a section about looking for innovations.

Claim 1's "determining whether there is at least one positive and at least one negative second order implications;" is anticipated by Wooff, et al, page 13, last paragraph, where it discusses the fact that values near -1.0 indicate contradictory evidence. And that values near 1.0 indicate complementary information sources.

Claim 1's "precluding presentation of third order nodes until at least one positive and at least one negative second order implications are present;" is anticipated by

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Wooff, et al, Figure 6, where it shows that without implications, positive or negative, the third order nodes are not part of the graph.

Claim 1's "predicting events causally connected to the center; and" is anticipated by Wooff, et al, page 14, third full paragraph, where it discusses the fact that prediction and estimation are equivalent.

Claim 1's "making a decision affecting positioning of a corporation for the future based upon the predictions." is anticipated by Wooff, et al, page 18, first full paragraph, where it discusses predictions in the context of an alumina plant.

### ***Allowable Subject Matter***

Claims 2-18 are allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Wilbert L. Starks, Jr. whose telephone number is (571) 272-3691.

Alternatively, inquiries may be directed to the following:

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**S. P. E. Donald A. Sparks** (571) 272-4201

**Official (FAX)** (571) 273-8300

/Wilbert L. Starks, Jr./

Primary Examiner, Art Unit 2129

WLS

15 MAR 2010